

Thomas Bouquin
Application No.: 10/587,804
Filed: June 7, 2007
Second Response to Restriction Requirement
page 4 of 4

Attorney Docket No.: 0279us310

REMARKS

Requirement for Species Election

Applicant hereby elects G-418 as the species of aminoglycoside antibiotic for examination in the instant application. Claims 3, 4, 63 are generic. It is understood that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or are otherwise include all the limitations of an allowed generic claim as provided by 37 CFR § 1.141.

Status of and Amendments to the Claims

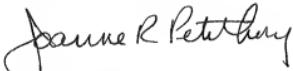
Claims 54-55, 59-62 and 64-65 are canceled herein without prejudice to renewal or to filing in one or more continuation and/or divisional applications. Please note that Applicants reserve the right to file subsequent applications claiming any canceled subject matter, and that the claim amendments and cancellations should not be construed as abandonment of any claimed subject matter.

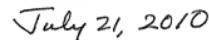
CONCLUSION

The Commissioner is authorized to charge any fees for entry and consideration of this response to Deposit Account No. 50-0990. Likewise, please credit any overpayment to Deposit Account No. 50-0990. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 298-5452.

Respectfully submitted,

Maxygen, Inc.
Intellectual Property Department
515 Galveston Drive
Redwood City, California 94063
Telephone: (650) 298-5300
Facsimile: (650) 298-5446
Customer No. 30560


Joanne R. Petithory, Ph.D.
Reg. No. 42,995


July 21, 2010